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UNITED STATES DISTRICT COURT  
 SOUTHERN DISTRICT OF NEW YORK

-----x	
YUN FEI LI (A77-354-636),	:
CINDY BIN CHEN,	:
	:
Plaintiffs,	:
	:
v.	:
	:
MICHAEL CHERTOFF, Secretary, U.S.	:
Department of Homeland Security,	:
EMILIO T. GONZALEZ, Director, U.S.	:
Citizenship and Immigration Services,	:
ANDREA QUARANTILLO, District Director,	:
U.S. Citizenship and Immigration Services,	:
	:
Defendants.	:
-----x	

Civ. No. 07 CV 6875 (CM)(JF)

ECF Case

**STIPULATION AND ORDER  
 OF DISMISSAL**

WHEREAS, on or about October 11, 2003, plaintiff Cindy Bin Chen ("Chen"). submitted a Petition for Alien Relative, Form I-130 ("I-130 Application"), on behalf of plaintiff, Yun Fei Li ("Li") to the United States Citizenship and Immigration Service ("USCIS");

WHEREAS, on or about October 11, 2003, plaintiff Li submitted an Application to Adjust to Permanent Resident Status, Form I-485 ("I-485 Application"), to the USCIS;

WHEREAS, on or about July 25, 2007, plaintiffs filed a complaint for writ of mandamus, in the above-captioned action, to compel action by the USCIS on plaintiffs' pending I-130 and I-485 Applications;

WHEREAS, on or about September 27, 2007, USCIS issued a Notice of Intention to Deny (the "Notice") plaintiff Chen's I-130 Application;

WHEREAS, the Notice provides plaintiff Chen until October 30, 2007, to offer evidence in opposition to grounds stated for denial in the Notice, and if no reply is received by October 30, 2007, the I-130 Application will be denied;

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and between plaintiffs Li and Chen and the Government as follows:

1. This complaint is hereby withdrawn from active consideration by this Court.

2. Plaintiffs Li and Chen may reinstate this complaint if, after ninety (90) days of the date of the entry of this Stipulation and Order, USCIS does not decide the I-130 and I-485 Applications.

3. In order to reinstate this complaint, plaintiffs Li and Chen must file a written notice of reinstatement with the Court and serve such notice upon the undersigned United States Attorney on or before December 31, 2007.

4. If plaintiffs Li and Chen do not reinstate the complaint, or if service is not effected in accordance with the deadline set forth in paragraph 3 above, the complaint shall be deemed dismissed with prejudice and without costs or attorney's fees incurred to date, pursuant to Federal Rule of Civil Procedure 41(a).

Dated: New York, New York  
October 11, 2007

THOMAS V. MASSUCCI, ESQ.  
Attorney for Plaintiffs

By:

THOMAS V. MASSUCCI, ESQ.  
401 Broadway, Suite 908  
New York, New York 10013  
Telephone No. (212) 334-2280

Dated: New York, New York  
October 12, 2007

MICHAEL J. GARCIA  
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Southern District of New York

By:

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So Ordered:

Celeste M. Bell  
UNITED STATES DISTRICT JUDGE

Dated:

10/18/07